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## THE ACTIVITIES OF THE MISSIONARIES AMONG THE CHEROKEES.\*

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LINTON MCGEE COLLINS, M. A.

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The Cherokee Indians derived their name from "Chera," meaning fire, according to Adair, which was their reputed lower heaven.<sup>1</sup> According to the Report of the Bureau of Ethnology, their tribal name is a corruption of Tsalagi, or Tsaragi, the name by which they commonly called themselves, and which may be derived from the Choctaw "Chilukke," meaning "cave people," in allusion to their numerous caves in their mountainous country. They were a branch of the Iroquois Indians.

At one time the Cherokee Nation was the largest single tribe of Indians in America. Their territory in the sixteenth century, when first known, consisted of all the southern part of the Appalachian Mountains, embracing the Ohio River on the North, extending South to the headwaters of the Savannah and Broad Rivers in Georgia and South Carolina, and as far west as the Tennessee (or Cherokee) River and its tributary streams, from their sources down to the vicinity of Muscle Shoals.<sup>2</sup>

The natives made two divisions of their country—"Ayrate," low and "Ottare" Mountainous.<sup>3</sup> The former was on the headwaters of the Savannah River; the latter on the eastern-most rivers of the great Mississippi. Their towns were always close to a river or creek. The language had three principal dialects: Elati, or lower; middle and Atali, mountain or upper.

On the west side of the Savannah River, the Cherokees were confronted on the south by the Creeks, the division

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1. Account of the Cherokee Nation—Adair.

2. Antiquities of Southern Indians—C. C. Jones; The Cherokee Nation of Indians—C. C. Royce,—(Bureau of Ethnology, Report Tr. 1887).

3. Account of the Cherokee Nation.—Adair.

line being Broad River and generally along 34 degrees north; west by the Muskogee tribe and east by the Catawabas.<sup>1</sup>

Traditional, linguistic and archeologic evidence showed that the Cherokees were originally from the North, but they were found in full possession of the Blue Ridge Mountains as early as 1540, when first encountered by DeSoto in his march through Georgia to the Mississippi River. He engaged in several combats with them, seeking and digging metal, especially gold, in their country. But it was not until one hundred and fifty years later, that any relations with the colonists were begun. Royce said that traders from Virginia moved among them as early as 1540.

About that time there were eight thousand within the nation. In 1715 they were estimated in number about eleven thousand, two hundred and ten, including four thousand warriors, and living in thirty villages.<sup>2</sup> In 1729 they were computed to number twenty thousand, distributed in sixty four towns, and affording at least six thousand warriors.<sup>3</sup> Adair said that in 1735 they were a "very numerous and potent nation, with at least sixty four towns and villages, populous and full of women."

In 1739 they are said to have received a "most depopulating shock by the small-pox" and rum, which according to Adair, reduced them one half after a years time. The weight of authority is that they lost one thousand warriors. This decrease was steady until after the Revolutionary War, for they lost heavily in the encounters with the whites.

In 1810 the state of Georgia was composed of thirty nine counties, with a population of approximately 225,000. The Cherokees occupied 16,815 square miles, their territory being one hundred and sixty miles and ninety-nine and one half miles broad. The Creeks at that time occupied fourteen thousand nine hundred and eighty one square miles, which was one hundred and forty two miles long, by one

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1. *Antiquities of Southern Indians*—C. C. Jones.

2. *The Cherokee Nation of Indians*—Royce.

3. *History of Georgia*—Stevens. Vol. I, p49.

hundred five and a half broad. Therefore, the area of Georgia that was laid out by white people, was fifteen thousand one hundred and thirty four square miles, one hundred and fifty miles long by thirty miles across. This was less than one fourth of the whole. By 1825, through various cessions, the Cherokees had ceded a good portion to the state, but still owned 9,537,920 acres of land in northwest Georgia. There were at that time about nine thousand Cherokees within the nation.<sup>1</sup> By the time of removal, there were sixteen thousand five hundred and forty two.<sup>2</sup>

The treaty relations between the Cherokees and the colonists began as early as 1721, when jealousy of French territorial encroachments persuaded Governor Nicholson of South Carolina to invite the Cherokees to a congress with a view to conclusion of peace and restoration of the trade relations. At that time an agent was appointed to superintend the affairs.<sup>3</sup>

The first intercourse with the English had been as early as 1623 when the English in Virginia massacred a number of Cherokees, and in 1666, when the Virginians first came in contact with them. In 1693, twenty chiefs of the nation went to Charleston to secure the aid of the Carolinians against the Etaws and the Congarees.<sup>4</sup> In 1712 they furnished two hundred warriors to South Carolina in her attack upon the Tuscaroras.

In 1729 Carolina was divided into two states: North and South Carolina. It was deemed necessary to secure the alliance of the Cherokees. Sir Alexander Cumming was sent over by Great Britain in 1730 to negotiate the treaty which was made with both states on April 3 of the same year. The Indians acknowledged themselves dutiful subjects of King George II, and at Sir Alexander Cumming's request, six or seven warriors went to England to do homage to the king. They were received in court and on June 30, 1730, a treaty was signed at Dover, whereby

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1. Georgia Baptist Compendium.—(Compiled by The Christian Index -1881)

2. Report of Bureau of Ethnology. Preface, p. IX.

3. The Cherokee Nation of Indiana.—Royce.

4. History of Georgia-Stevens.—Vol. I. p. 48.

the Cherokees submitted to the sovereignty of the King and his successors agreed to trade only with English and to permit only English to live among them.<sup>1</sup>

Soon after Georgia was established, Oglethorpe, laid out the town of Augusta on the Savannah River as a trade center and gateway to the Cherokee Nation. Augusta was also headquarters for furnishing the English among the Cherokees with ammunition to prevent the French from secured their aid.<sup>2</sup> There was also a road built from Savannah to the Cherokee Nation, through Augusta. Large numbers of the Cherokees came annually to Augusta to trade with the Georgians and Carolinians for powder and lead, and more especially for rum.<sup>3</sup> The majority of the Cherokees still went to Pensacola, Florida, which was a large Spanish trading center.<sup>4</sup>

Occasional strife between the colonists and the Indians occurred, but the greatest trouble of the colonists lay in their efforts to keep out the influence of the French. As early as 1736, the French had sent a German named Christian Priber, among the Cherokees to secure their aid against the English and to organize their government on a civilized basis. This mission failed, but after a number of attempts, in 1759 the French finally secured their sympathy in a war against Great Britain. They moved against the English in South Carolina in 1759, but Governor Littleton defeated them and forced them to sign a peace treaty in 1760, agreeing to kill all resident Frenchmen.<sup>5</sup>

The Cherokees fought on the side of the English during the French and Indian wars from 1711 til 1716.<sup>6</sup> Meanwhile the French became formidable competitors for the Indian trade. Through their trading posts in New Orleans and Mobile they continually took advantage of the Cherokees. Their efforts amounted to very little until 1759 when,

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1. American Colonial Tracts, No. 3.

2. History of Georgia—Stevens, Vol. I p. 49.

3. Colonial Records of Georgia, Vol. IV. p. 666.

4. Stevens' History of Georgia.—Vol. I. p. 137, 139.

5. Royce—Cherokee Nation of Indians, (Bureau of Ethnology, Report V. 1887)

6. Bassett J. P. Short History of United States, p. 130.

after the capture of Fort Duquesne a number of the Cherokees deserted, and, by their misconduct in Virginia and the slaying of twenty-two whites in North Carolina, a number of their warriors were killed. The Cherokees retaliated but were repressed for a short time by Gov. Littleton of South Carolina, who held a large number of their envoys as hostages.

After this the war became general. In 1760 and in the first half of 1761, the tribe gave much trouble around Charleston. In June 1761, Colonel Grant, with an army of twenty-six hundred, composed of regulars and of the South Carolina militia, won a decisive victory.<sup>1</sup>

During the Revolutionary War the Cherokees were friendly to and aided the English, and continued the struggle almost without interval until 1794. Up until that time there had been no serious disturbance with any of the Indians in Georgia. In the first part of the war, an expedition under Colonel John Twiggs, John Jones and Captain Masbury had been sent out, which was victorious. Earlier in the war, the Cherokees had given trouble in North Carolina, along the Watauga Valley, but had been conquered. Virginia, South Carolina, Kentucky and Tennessee had all suffered from the Indian attacks. The Tories, who were fugitives, had taken up their residence among the Cherokees and were continually stirring up strife. The Spanish under Alexander McGilliray, were trying to extend their influence. All these, with various other reasons, caused the prolongation of the Indian troubles. In 1793, Sevier, with a band of East Tennesseans, and in 1794, Robertson, with a party of West Tennesseans, overcame the offending Cherokees, burning their villages and killing without mercy. From that time the Cherokees were peaceful.<sup>2</sup>

Among the last treaties made under the Continental Congress was that of July 1871, between the Cherokees and Virginia and North Carolina.<sup>2</sup> At that time. Major

1. Bassett-History of the United States, p. 265

2. Personal Papers, Nathaniel Green, Mss. Library of Congress. This treaty of 1871 is not mentioned in list of treaties published in the *American State Papers*-(Indian Affairs)

Nathaniel Green was in command of the Southern Department. The Cherokees had been continuing hostilities with the whites in these states for some time, but after interference by Major General Green, had sued for peace.

The following men were appointed from Virginia as delegates: William Christian, William Preston, Arthur Campbell and Joseph Martin. Robert Severe, John Severe, Evan Shelby, Joseph Williams were from North Carolina. These men were to meet the Indians "for the purpose of treating on the adjustments of the respective limits of each party; and exchange of presents; a suspension of hostilities; conclusion of a peace; and one thing else, for the establishment of harmony and understanding between the contending parties as might seem proper."<sup>1</sup>

Five hundred Indians came to an island in Holston River in June, but because of an insufficient number of commissioners from the United States, the meeting was postponed until July 26. On that date the parties began their negotiations with the usual formalities: smoking, shaking hands, and exchange of gifts.

The Cherokees were assured by Colonel Christian that the treaty was for all thirteen states, Georgia, South Carolina, and others, and that if they "raise a hatchet against one, raise against all" for "we are one people linked together." Colonel Severe told them, "it is want of acquaintance that we have disliked you."

Much was said concerning the exchange of prisoners that were being held. It was later agreed that they would return all whites held in thirty-six days. It was here too, that for the first time, the question of establishing schools in the Indian territory, for the benefit of the Cherokee boys, was discussed. One Tassell, the leader of the Cherokees, laid before the commissioners the Indian claims to the land they were then "standing on". According to the treaty drafted at the same place, 1777, their claim was justified, and the United States commissioners admitted their owner-

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1. Georgia and State Rights—Phillips; Cherokee Nation of Indians—Royce.

ship and promised to "protect and save it" for them. After that permanent boundaries were fixed.

There were a number of English living among the Cherokees who advised war with the colonies, because they were people "possessed of evil spirits." Tassell and Clanuseh denounced this, admitting their surprise and telling the whites that their country was forever open to them, asked an ideminity from North Carolina for their former encroachments.

Upon the conclusion of the conference, the Cherokees were unable to agree to the treaty, because of lack of funds. The Governor of Virginia appropriated 200,000 pounds of Virginia money for an agent, the expense of making the treaties, and for ammunition, powder and lead, which was to be donated to the Cherokees for their winter hunt. After this there were no treaty relations with Virginia until January 7, 1806, when Long, or Great Island, in Holston River, was ceded to the whites. This was the last of the Cherokee land in the state of Virginia. There were, however, a number of treaties between the United States and the Cherokees, in which there were cessions made.

At the close of the Revolution, the Cherokees ceded to Georgia, May 31, 1783, land between the Oconee and Tugalo Rivers.<sup>7</sup> This was the last treaty under the Articles of Confederation. North Georgia was being rapidly developed and settled, and new lands were in demand. Frequent conventions were held by commissioners of the United States, and the Cherokee chieftains, at some of which representatives of Georgia were present. But the tribe held fast to its land. In 1785, by the Treaty of Hopewell, the Cherokee Nation placed itself under the protection of the United States, and after that all treaties were made with the Federal Government, each time a specified boundary being fixed, and the United States solemnly guaranteeing to the Cherokees all their land not therein ceded.<sup>1</sup>

After 1795 no considerable portion of the Cherokee Nation was at any time seriously inclined to war. They be-

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1. Indian Affairs, American State Papers, Vol. II.



gan to take up various pursuits and industrial careers. The old nomadic life was given up for agriculture by many, the forests were cleared and the lands were cultivated.

The Cherokee land was, according to Worcester,<sup>1</sup> the best cotton land, and after the invention of the cotton gin in 1793, the price of cotton went up, and consequently became the main crop of the Cherokees. In fact though, the Creek lands were better adapted to cotton, with the then prevailing system of agriculture. When the Creek lands had been secured for settlement, the state authorities began to make strenuous efforts toward expelling the Cherokees. Thereafter, during the intervening years, until their removal, moderate steps were taken.

As will be shown, they became the most enlightened tribe of Indians in America. This was due to the efforts of the missionaries, who established vocational schools among them, and to the whites, especially the Tories, who had taken up their residence among the natives.

The Cherokees established a constitution and form of government, the leading features of which they borrowed from the United States. They divided their government into three separate departments, legislative, judicial and executive. They adopted a code of laws, both civil and criminal, and directed eight district courts, with circuit judges, to expound and apply them. They had a Superior Court which met annually in their capital, New Echota, to which decisions might be appealed. Their legislative branch of government consisted of two houses, the National Committee or upper house, with thirteen members, and the National Council, the representative body of the people, with thirty-two members, besides the speaker. The executive power was vested in two principal chiefs, who held office during good behavior.<sup>2</sup>

One of the greatest steps toward civilization came in 1825, when Sequoyah, George Guess, an illiterate half

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1. Letters are in possession of Miss Alice Robertson, Member of Congress from Oklahoma, who is a granddaughter of Worcester.

2. Compiled from the laws and the constitution as printed in the *Cherokee Phoenix*, their national organ, 1828-1834.

breed, invented the Cherokee alphabet of eighty-six syllables. He had heard of the "whites talking leaf" on which they could put down a "talk" and "it would stay there." He first attempted it by writing with a flat stone, making a mark for every word. Soon he had several thousand marks for every word he knew. This necessitated his dividing the words into parts, whereby one character would answer for a part of many words. Then, assisted by an English spelling book he knew nothing of, he adapted the alphabet to his use, by making figures that could be easily written.<sup>1</sup>

As early as 1803, President Thomas Jefferson gave to the question of emigration its first official impulse.<sup>2</sup> But it was not until 1808 that any action was taken by the Cherokees. In that year a number of the tribe visited the western land at the suggestion of Return J. Meigs, agent for Indian Affairs. They were favorable to removal, but action was postponed. They sent two delegations to Washington in that year, one from the upper towns, which asked for a permanent allotment of their proportion of the lands that they might settle down in perpetuity, and follow a civilized life. The delegation from the lower towns, which represented only one-third of the nation, asked for an exchange, that they might go west of the Mississippi, where they could indulge in their hereditary passion for the wigwam and chase. According to Meigs, there were two thousand willing to go, but the governor was then unable to finance their removal. Again in 1811 an attempt was made which failed. Meanwhile small families, or groups of individuals, continued to emigrate westward.

According to Royce the very first actual emigration took place in 1815, soon after the Treaty of Hopewell. A number of dissatisfied Cherokees descended the Tennessee, Ohio, and Mississippi Rivers in pirogues, reached and ascended the St. Francis in Louisiana, then possessed by Spain, where settlement was formed. In a few years these moved to a more satisfactory location on White River. There a

1. Report on the Indian Tribes-Pacific R. R. Documents.

2. *Encyclopedia of Religion and Ethics*, Vol. 3; article by Lewis Spence. *Myths of the Cherokees-Money*.

colony was founded and they were joined by other dissatisfied eastern brethren, until by 1817 there were between two and three thousand. In 1822, three Cherokee chiefs were in Mexico, seeking a contract with the Governor for lands in Texas. They were Boles, Fuldo, and Nicolet. Later a number moved into that state.

Let us now turn to the religious life of the Cherokees, the activities of the missionaries, and their influence toward emigration.

### THE RELIGION OF THE CHEROKEES.

The original religion of the Cherokees was a polytheistic zoolatry, or animal worship. The first religious beliefs that we can discover, show that they recognized neither a paradise nor a place of punishment, neither a Supreme Being nor a Spirit of Evil. Whipple said, "the Cherokees know nothing of the Evil One and his domain, except what they have learned from the white man."<sup>1</sup>

All of their gods, neither good or evil, dwelt in Galulati, or the upper world above the sky. The Cherokee tribe consisted of seven clans: Wolf, which was the largest and most important; Deer; Bird; Paint; Ani-Sahami; Ani-Ga-Tagawi and Ani-Ga-Lahi. These tribes were frequently mentioned in the ritual prayers. There were with the early Cherokees four types of gods; viz; animal gods; elemental gods, such as the sun, water, fire, winds, clouds and frost; inanimate gods, stones and flint; and anthropomorphic gods, thunder, in person of "Red Man" and "Red Woman." This was a type of higher pantheism, though the animal gods were of more importance. The Cherokees connected the four points of the compass with colors and superstitions.<sup>2</sup>

To the Cherokees, as with the Egyptians, religion entered into every phase of life. They had a complete priestly system at one time, known as Shamans. These were highly jealous of the white physicians. The heart of the whole ancient belief centered about the medico-religious methods

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1. Manuscript in the De Renne Library-Savannah, Georgia.

2. History of the Missions of the Moravian Church-J. T. Hamilton.

of these Shamans, such as bathing, bleeding, rubbing and blowing.

Though a great many of the original beliefs of the Cherokees were retained, the first effect of the missionaries upon them was the evolution of their faith into that of Christianity by gradually merging the two. This was done through their efforts to decentralize their religious power, which was in the form of socio-religious organizations. These had an initiation and ritualistic exercises which were said to resemble present free-masonry. The Priest, or Shaman, was at the head of these organizations. McGowan states that from the most remote times one family was set aside for the priestly office. The family of Nicotani was the first known to the whites. They were massacred when the missionaries pointed out to some of the Indians how they were abusing their office.

A large number of the Cherokees always clung to their original beliefs, however; Christianity spread over the nation and through its effects and the efforts of the missionaries, in the space of twenty years they were the most enlightened tribe of Indians in America.

Elias Boudinot, who was one of the earliest converts and advocates, said in Savannah at the First Presbyterian Church, on May 26, 1826, the following in regard to the religion of the Cherokees:

"The Cherokees have had no established religion of their own and perhaps to this circumstance we may attribute in part the facilities with which missionaries have pursued their ends. They cannot be called idolaters, for they never worshiped images. They believed in a Supreme Being, the Creator of all, the God of the white, the red and the black man. They also believed in the existence of an evil spirit who resided, as they thought, in the setting sun, the future place of all who in their life time had done iniquitously. Their prayers were addressed alone to the Supreme Being and which if written would fill a large volume, and display much sincerity, beauty and sublimity. When the ancient customs of the Cherokees were in full force, no warrior

thought himself secure unless he had addressed his guardian angel; no hunter could hope for success unless before the rising sun he had asked the assistance of his god and on his return at eve, he had offered his sacrifices to him."<sup>1</sup>

Early in colonial history we have record of the beginning of missionary effort on the part of some individuals. As aforesaid, Christian Priber, who was probably a Jesuit, did the first mission work among them as early as 1736.

The Moravians, as a sect, were the first to undertake mission work among them. Sprangeberg secured grants of land from the trustees of the colony of Georgia in England, for the sole object of commencing missions among the Creeks and Cherokees. A group of them reached Savannah on Feb. 6, 1735.<sup>2</sup>

In 1740 John Hagen visited among the tribes, and again in the sixties, Ettwein attempted to negotiate with the head chiefs at Bethabara. Both of these missions failed and it was probably because of the very unsettled state of the country. Nothing else was attempted until soon after the Revolutionary War. Martin Schneider visited the Cherokees on the Tennessee River in 1783, but his mission also failed because of the ill will toward the colonists.

In 1799 and 1800 journeys of exploration were undertaken with encouraging results by Abraham Steiner and Frederick Christian Von Schweinitz, of Salem. With the aid of Captain Butler, of the United States Army, a great council of from three thousand to four thousand Indians was gathered at Tellico Blockhouse on Sept. 23, 1800, and they were able to arrange for a mission through the influence of James Vann and Charles Hicks, two Cherokee chiefs. This was permanently established in April during the year of 1801, by Steiner and Gottlieb Byham at Spring Place, which is now the county seat of Murray County Georgia.

Many obstacles were presented, especially the intricacies of the Cherokee language and the lack of an intepre-

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1. *The History of the Missions of the Moravian Church*—Hamilton. American Board of Foreign Missions (pamphlet)

2. *The Christian Index*, Vol. 4.

ter, and the mission progressed slowly. However the Indian Council decided in 1803 to make the school permanent. In 1804 there were six scholars. John Wohlfarth succeeded Steiner and he was succeeded in 1805 by Rev. and Mrs. John Gambold. The first Cherokee conversion was in 1810, Margaret Vann, daughter of James Vann, being baptized with an impressive ceremony. The next was Charles Hicks who afterwards became a leader. Abe de Serra, in an account of his tours to the United States, said of this mission: "I saw there the sons of the Cherokee Regulus learning their lessons and reading their New Testament in the morning and drawing and painting and assisting Mrs. Gambold in her household work, or Mr. Gambold in planting corn."<sup>1</sup>

As early as 1799, Rev. Gideon Blackburn of Tennessee, first introduced the subject of schools among the Cherokees to the Union Presbytery. In 1803 he introduced the idea to the General Assembly of the Presbyterian Church. This body appropriated \$200 and at his request appointed him as a missionary to the Cherokees for a period of only two months. A collection was further taken, amounting to \$430.

Colonel Meigs, the Indian agent, assisted in gathering the natives together for a great council meeting to gain their assent. More than two thousand met at a place selected near the Hiwassee River. In 1804, the next year, the school was opened at Maryville, Tenn., with twenty-one pupils. This was the first school among the Cherokees. In 1807 there were forty-five or fifty scholars, and the interest and desire for an education among the Cherokees had grown, until they plead for another one to be established in the lower nation, which opened with twenty to thirty scholars. Mr. Blackburn opened this upon his own responsibility, but private aid continually came in. After getting his school started, he gathered Indians and whites together for a treaty of friendship and cooperation.<sup>2</sup> Mr. Blackburn's

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1. History of the Missions of the Moravian Church-Hamilton.

2. History of the American Board of Foreign Missions.

school broken up in consequence of the war of 1812 and his failing health. But some four or five hundred Cherokees were able to read the English Bible and there were over six hundred in circulation.

In 1816, Rev. Cyrus Kingsbury visited the Cherokee country under a temporary commission from the Cherokee Missionary Society. He passed through Washington, D. C. and had an interview with Colonel Meigs, the chief of one of the clans and two native Cherokees. They told him that they had long desired the establishment of schools and had even thought of "devoting a part of their annuity to the object, but in consequence of some embarrassment had felt themselves unable."

Upon the success of Mr. Blackburn, Mr. Kingsbury asked the American Board of Commissioners for Foreign Missions if they would support them. President Madison through the Secretary of War, advised him: "In the first instant the agent for Indian affairs will be directed to erect a comfortable school house and another for the teacher and such as may board with him, in such part of the nation as will be selected for that purpose. He will also be directed to furnish two plows, six hoes, and as many axes, for the purpose of introducing the art of cultivation among the pupils. If there are any female students, also a female teacher to teach them to spin, weave, sew; a loom, a half dozen spinning wheels, and as many cards."

In October, 1816, Mr. Kingsbury put the object of his mission before the General Council of the Chiefs of the Cherokees and Creeks. After consultation a chief said "You have appeared in our full Council. We have listened to what you have said and understand it. We are glad to see you. We wish to have the school established and hope it will be of great advantage to the nation."

Another chief was appointed to assist in selecting a site. A farm was bought on Chickamauga Creek. The mission was called Brainerd. Rev. Kingsbury arrived January 13, 1817. The school was a compound of missions, boarding school, and agriculture college. By June there were twenty-

six natives and the mission was rapidly advancing. The Indians were showing much interest. Upon the failure of the government contractor to build the houses agreed upon the missionary and several of the Indians engaged in making twenty thousand bricks, burning lime, digging cellars, besides the hardship of bringing their meals for forty miles. L. S. Williams and Moody Hall joined the mission on March 7th. Hall managed the school and Williams the business department. Mr. Kingsbury preached regularly to an audience of about one hundred and there was a Sunday School attracting large crowds.

As early as 1801, some of the local Baptist associations in Georgia were advocating a mission among the Cherokees, and for a number of years occasionally a preacher would have a chance to speak to them through an interpreter. In 1816, the Sarepta Baptist Association sent missionaries among them and supported schools.<sup>1</sup> In 1817, the American Baptist Board of Foreign Missions established a school and mission in western North Carolina, just over the border from Georgia, at Valleys Town. Rev. Humphrey Posey was in charge. The Baptist school grew very fast, and in a brief time three branches were established. These were Tinsawatee and Coosawatee in Georgia, and one Nottle, in North Carolina. There were a number of native preachers at each mission.<sup>2</sup>

In 1818 the Moravians established another station at Oochgelogy, in Gordon County, Georgia. By that year eight natives had gone to Cornwall, Conn., for advanced education. Among these were John Ridge, who had begun education at Spring Place. He later went to Princeton University.<sup>3</sup>

On May 27, 1819, President Monroe, after the treaty with the Cherokees, visited the mission at Brainerd. He was so impressed with the work and improvements among the Cherokees that he gave orders for a much better building for the girls school, at the public expense.

1. Cherokee Phoenix—May 8, 1830, May 28, 1828.

2. Cherokee Phoenix—May 8, 1830.

3. Christian Index, Vol. 4.



It was also this year that John Arch, who had been one of the vilest and meanest of the Cherokees, was admitted at Brainerd, after walking one hundred and fifty miles. There was a hesitancy about accepting him, but through his importunity, he was finally admitted. Later he performed a great work among his own people. During 1819 the system of local schools was commenced. In 1820 there were several new missions opened under the American Board, and again in 1823 the Board had six missions among the Cherokees three of which were in Georgia. They were Carmel, Hightower, and Haweis. By 1828 the Board had eighteen schools, according to Elias Boudinot. There were a number of cases of missionaries marrying the converts, who would change, or rather take, a Christian name upon baptism. There was a great desire evidenced on the part of the Cherokees to take advantage of every opportunity given them.<sup>1</sup>

The mission work conducted by the Methodists is quite differentiated from that of the other denominations. It was under the direction of the Conference of Tennessee, Rev. William M. Mahan being superintendent. They had four stations, located at the following places: Creek Path, Chattooga Court House, Pinelog, and Oochgelogy. There was a school at each, and in 1828 there were one hundred scholars. None of these stations was permanently fixed, but subject to be continued or discontinued as expedient. The Methodists did not seek church members, but "Members of Society," that is, those desiring to learn. The schools were itinerating and the missionaries on their rounds embraced every family in the neighborhood, and yet they did not want to stay long enough for the Cherokees to establish a national identity with the whites. There were three large circuits, Ross's Postoffice, Riley's House, and Grand River, embracing sixty preaching places. In two of these circuits the gospel was preached in English, at the others in Cherokee. The superintendents were Rev. James I. Trot,

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1. Removal of the Cherokees.—Wilson Lumpkin, Vol. 1 p. 54; *The Cherokee Nation of Indians*—Royce.

Rev. Greenbury Garrett and Turtles Fields. In 1830 they had over eight hundred "Members of Society," or "Seekers," as they were called.<sup>1</sup>

The United Brethren also had a few missionaries among the Cherokees, but they never accomplished much. John Ross gave them credit for only fifty four members in 1830.<sup>2</sup>

Meanwhile the Baptist Mission at Valleys Town had been growing. Rev. and Mrs Evan Jones had succeeded Mr. Posey as superintendents. The school had scholars ranging from five to eight years of age. The mission and school at Hickory Log was under Rev. Dr. Duncan O'Bryant assisted by a number of natives.<sup>3</sup>

Thus we see that the missionaries did a great work in civilizing these tribes. To them belong the credit of the Cherokee enlightenment which brought them forward as the most advanced and skilled of all American Indians. As has been shown the greatest help that came to them was the invention of the Cherokee alphabet by Sequoyah, or George Guess, in 1825. David Brown, a native, who was one of the best scholars of the nation, a graduate of Cornwall, translated the New Testament and it was soon circulated in manuscript. In 1827, the Supreme Council of the Cherokees requested the Provincial Committee to secure for them a font of type, a press and furniture which was to be paid for out of the Cherokee treasury. On Feb. 21, 1828, the first edition of the Cherokee Phoenix was published.

With the itinerant policy adopted by the majority of the missionaries, and especially by the natives going from place to place, teaching twice a week, it was less than two years before half of the whole nation could read and write their own language. By 1830 more than one thousand Gospels of Matthew were printed, and eight hundred copies of

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1. (Passed October 27, 1827 at New Town: Resolved that any person or persons who shall choose to emigrate to Arkansas and sell this property, improvements or anything shall forfeit \$150.00 and the buyer shall also forfeit and pay \$150.00—The Cherokee Phoenix, April 3, 1828). After the revision of their constitution in 1828, they made the selling of property, or planning of emigration westward a capital offense.

2. Georgia Journal, Jan. 30, 1827.

3. The Cherokee Nation of Indiana—Royce.

Cherokee hymns. There were at that time, according to Worcester, two hundred and nineteen members of the Presbyterian churches, one hundred and sixty seven of these being natives. There were ninety Baptists and forty-five members of the Moravian churches. The Methodist Society claimed eight hundred and fifty "seekers" who were not regenerate. By 1833 more than twelve hundred students had been received in the schools, the great majority of whom were Cherokees. (about ninety percent.) About five hundred of these had been qualified for common business. Printing was in large demand. More than fourteen thousand copies of the Testament and Psalms had been distributed.<sup>1</sup>

As early as 1820 the Council adopted the compulsory education law, that if the child withdrew from school before it had received an education, "That would make it useful, then the parent who had taken him out prematurely would have to pay the expense of support while there." The chiefs of the nation required the most suitable pupils to serve an apprenticeship at the most useful mechanic arts. In 1828 the Cherokees decided that the annuity from the government was not adequate, and they appropriated money from their own treasury, and secured native teachers for the new schools that they had established within the nation.

## THE RELATION OF THE CHEROKEES TO THE GOVERNMENT OF GEORGIA.

By the Treaty or "Compact of 1802," Georgia ceded to the United States all her rights and titles to the territory westward of a certain line, the lands which now comprise the states of Mississippi and Alabama, for \$1,250,000, so that she might meet the demands of those who lost in the Yazoo Fraud. At the same time, April 24, 1802, the United States assumed the obligation of extinguishing for the use of Georgia, as soon as it could be obtained "peace-

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1. Cherokee Phoenix—April 30, 1831; Digest of Georgia Laws—Prince.

fully and on reasonable terms," the Indian title to all lands then occupied by the Indians within the present limits of Georgia.<sup>1</sup>

By 1821 the Creeks had ceded 14,748,690 acres, and the Cherokees had ceded only 995,410 acres. In 1823, fifty thousand dollars were appropriated by Congress for further treaties with the Cherokees, upon the charge of bad faith from Georgia to the United States. Duncan G. Campbell and Major James Meriwether were appointed as a committee to make a treaty. October 4, 1823 they met the Cherokees in Council at New Town and asked for further acquisitions. To this the chiefs replied, "We beg leave to present this communication as a positive and unchangeable refusal to never dispose of one foot more of land."<sup>2</sup>

Again in 1827 they declared that they would "no never," cede any more land. As early as 1821 they were enacting laws in their council to prohibit the natives from selling their land.<sup>3</sup>

Meanwhile the state of Georgia, through her legislature was enacting laws, extending her jurisdiction over the Cherokee country. On December 26, 1826 the following law was assented to: "Be it enacted by the Senate and House of Representatives of the State of Georgia, in general assembly met, and it is hereby enacted by the authority of the same, that from and after passage of this act, no Indian, and no descendant of an Indian, not understanding the English language, shall be deemed a competent witness in any court of justice, created by the constitution or the laws of this state." Again on December 20, 1828, the civil and criminal jurisdiction of Georgia was extended by the following act: "Be it resolved . . . . That all laws, usages and customs made, established and in force in the said territory, by the said Cherokee Indians, be, and the same are hereby, on and after the first day of June, 1830, declared null and void."<sup>4</sup>

1. "Letters of William Penn", by Jeremiah Evarts. *Removal of the Cherokees* Lumpkin. Vol. 7, p. 72.

2. *The Athenian*, No. 3, 1829—*Cherokee Phoenix*, Dec. 3, 1829.

3. *Cherokee Phoenix*, May 30, 1831. *Christian Index*.

4. *The Digest of Georgia Laws*—Prince; *K Georgia Journal*; *Athenian* and *Cherokee Phoenix*.

It was seen that if Georgia ever acquired any more territory, she could not get it "peacefully and on reasonable terms." The Cherokee country had become a rendezvous of robbers, and earlier, the majority of the Tories who were dodging the Georgia law, had taken up their residence with them. These were giving a great deal of trouble along the frontier. From the press of that day, it appears that the greatest trouble with the Cherokees was robbery, and more especially horse stealing.

It was natural that the missionaries who had become devoted to their work and to the Indian cause, were ever striving for a betterment of relations. At this time the capital of the Cherokee nation was New Echota, Georgia. At this place were missions of the various denominations of the American Board. Also there were in New Echota at this time, 1829, the leaders and head chiefs of all the Cherokees and there had developed among them quite a bit of politics and animosity over the removal to the west. One party headed by John Ross, was against emigration, which seemed to be the much greater party. Charles Hicks was the leader of the minority, in favor of removal.<sup>1</sup>

So one immediately sees that New Echota, being the capital of the nation, was a hot-bed of politics. The mission was the center of all this, for it was very much like the present day court-house, or general meeting house of the town. Rev. Samuel Worcester, of Vermont, was at the head of this mission. He was very popular with the natives, and it seems that various papers, though not authentic, state that he assisted the Cherokees in the making and execution of their laws. According to Cotter, several of the missionaries had drafted the constitution in 1826.<sup>2</sup>

At any rate these missionaries throughout the nation thought the extension of the Georgia laws over the nation unconstitutional and protested against them. From the Cherokee Phoenix, we find that meetings were held, in which numbers of memorials were drafted and sent both

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1. History of the American Board of Foreign Missions, 1831.

2. Hamilton, History of the Missions of the Moravian Church.

to Congress and to the State Legislature. These poured in from every missionary of the Board, who were all New Englanders, from the other denominations, and especially letters and pamphlets signed by "William Penn," which were written by Dr. Jeremiah Evarts, who was Corresponding Secretary of the Board at the time.

It is true that her laws were contrary to the treaties that had been made, but Georgia had been waiting patiently on the government for twenty six years, and now she was carrying out the policy suggested by the Indian Agent, Colonel McKenny, that Georgia "take them kindly by the hand and tell them that they must go."

The lower class of whites in the territory gave quite a bit of trouble. The Tories were still bitter, and they encouraged opposition to Georgia. All this resulted in the law passed at the next Legislature, December 1829, requiring that all white men within the nation leave, or take the following oath of allegiance: "I, A. B., do solemnly swear, or affirm, as the case may be, that I will support and defend the Constitution and the laws of the State of Georgia, and uprightly demean myself as a citizen thereof."<sup>1</sup>

Then followed a widespread denunciation of Georgia and her laws. The missionaries complained that the laws were enacted because of them, they having been falsely indicted for interfering with the politics of the Cherokees. The American Board drafted and sent resolutions. The following is a portion of one: "The Cherokees refused to treat for the sale of their country; their unwillingness to sell ascribed to the influence of the missionaries, who it was said were acting inconsistently with their professed character, by giving advice on political questions. If the missionaries, by the direction of their employers, had given advice on every question that came before the Cherokee people, they would only have exercised an undoubted right, and no person on earth would have had any just reason to complain, but the charge was false."

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1. History of the American Board of Foreign Missions

Throughout the Cherokee Nation, meetings of denunciation were held, defying the laws of Georgia. The most of these meetings were held around the missions of the Board, the missionaries always expressing their sympathy. At one meeting the following was read in the form of a memorial in behalf of them: "The Indians had better stand to arms . . . . . We will take up arms for the Indians in such a war with as much confidence of our duty as we would stand on the shores of the Atlantic, to repel the assaults of the most barbaric invader. . . . ." <sup>1</sup>

On December 29, 1829, a meeting was held at New Echota of five missionaries of the Board, two Moravians and one Baptist, "for the purpose of making such a public declaration as the state of things seemed to require." Rev. Mr. Butrick was made Chairman, and Rev. Worcester Secretary. The following resolutions were adopted, and published in the Cherokee Phoenix.

"Resolved, That we view the Indian question, at present so much agitated in the United States, as being merely not of a political nature, but of a moral nature, inasmuch as it involves the maintenance or violation of the faith of our country, and as demanding therefore, the most serious consideration of all Americans, not only as patriots, but as Christians.

"Resolved, That we regard the present crisis of affairs, relating to the Cherokee Nation, as calling for our sympathy, and prayers and aid of all benevolent people throughout the United States.

"Resolved, That the frequent insinuations which have been publicly made, that missionaries have used an influence in directing the political affairs of this nation, demand from us an explicit and public disavowal of the charge; and that we therefore solemnly affirm that in regard to ourselves at least, every such insinuation is entirely unfounded.

"Resolved, that while we distinctly aver that it is not any influence of ours, which has brought the Cherokees to the resolution not to exchange their place of residence, yet

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1. History of the American Board of Foreign Missions.

it is impossible for us not to feel a lively interest in a subject of such vital importance to their welfare; and that we can perceive no consideration, either moral or political, which ought in the present crisis, to prevent us from a free and public expression of our opinion.

"Resolved, therefore, that we view the removal of this people to the west of the Mississippi, as an event to be most earnestly deprecated, threatening greatly to retard, if not totally arrest, their progress in religion, civilization, learning, and the useful arts; to involve them in great distress, and to bring upon them a complication of evils, for which the prospect before them would offer no compensation.

"Resolved, That we deem ourselves absolutely certain that the feelings of the whole mass of the Cherokee people, including all ranks, and with scarcely a few individuals excepted, are totally adverse to a removal, so that nothing but force, or such oppression as they would esteem equivalent to force, could induce them to adopt such a measure.

"Resolved, as our unanimous opinion, that the establishment of the jurisdiction of Georgia and other states, over the Cherokee people, against their will, would be an immense and irreparable injury."

The Georgia laws went further and prohibited the Cherokees from assembling together in council, and arrested a number of them. The Cherokee Phoenix printed all accounts of these laws and all the resolutions from organizations throughout the country, which produced a bit of indignation on the part of the natives. The Cherokees were struggling for their cause, and were procuring false arrests and having mock trials. It is true that the whites shamefully intruded. The laws of Georgia had gone so far that no Cherokee was allowed to work for a white, under penalty of forfeiting all his property. This is illustrated by a white, begging an Indian to transfer him across to Coosa River, on his ferry, to see his daughter stated by him to be dying. The Cherokee refused at first but finally carried



him across, upon which the white told him of his intrigue and took possession of his ferry and property.<sup>1</sup>

For vengeance the Cherokees did many barbarous acts. The case of Jesse Stansal furnishes an illustration. He was arrested under pretense of violating laws and was detained in custody for two days without trial, and then suspended by the wrists to a tree and given fifty lashes on his bare back, with large hickory sticks, which almost killed him.<sup>2</sup>

This missionaries denied emphatically any interference politically with the Cherokees. There is no direct evidence that they did interfere, except through the psychology of their sympathies, as embodied in the various memorials and resolutions. The Methodists of Tennessee rebuked the charge, but asked their missionaries to withdraw soon afterwards. The Baptist missionaries took the oath, but the members of the Board refused, Messrs. Butler and Worcester saying, "The law was designed to operate, and did operate, as an interruption to missionaries' labor. . . . The expulsion of the missionaries was the particular object of the law." They felt that if they took the oath, it would mean their endorsement of what Georgia was doing.

Meanwhile the United States troops had been withdrawn from Georgia and the Georgia Guard was in control. They had quelled several riots between the two political parties, and had made a number of false arrests. Their behavior on other occasions had been the cause of much indignation on the part of the citizens of Georgia and the whole country. Colonel Charles H. Nelson was in charge. One incident is recorded of their unbecoming behavior at the Baptist mission at Tensewatee, where Rev. Duncan O'Bryant was in charge. He was baptizing several of his mission in a stream near the church. During the exercises the men of the Georgia Guard, "claiming to be possessed by the spirits," tried to run over the Indians in order to baptize their horses. After getting in the water, they mocked religion and baptism.<sup>3</sup>

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1. Historical Collections-White

2. The Athenian, Nov. 3. 1829—Cherokee Phoenix, Dec. 3, 1829.

3. Georgia and State Rights—U. B. Phillips.

In January, 1831, the missionaries at Carmel, Hightower, Haweis, and New Echota, the missions of the American Board in Georgia, received copies of the law of Georgia requiring all resident whites to swear allegiance and secure a license from the governor, or leave by March first. Worcester denounced this, because of the fact that the United States controlled the relations over the Indians; that the missionaries had the consent of the President to work among the Cherokees; and that if he yielded to the law which he branded as unconstitutional, it would have a very unfavorable effect upon the Cherokees.

It is to be noticed that only the missionaries of the Board, who were from the North, received these letters. The Methodists complained of this through their organ, *The Repertory*, published in Macon, but the *Cherokee Phoenix* denied this, Elias Boudinot, the editor said that "all were arrested and all put in chains." From both the *Phoenix* and the *Georgia Journal* one would acquiesce in the statement that they gave more trouble in defying the laws than the other missionaries. Wilson Lumpkin in a speech to Congress, said that they, together with the "Canting fanatics" of the North, who were the members of the Board, cost the Government more than \$100,000. . .

But few missionaries left at first. On March 12, 1831, a detachment of the Georgia Guard, composed of twenty-five men under Colonel Nelson, arrived at Carmel and arrested Mr. Proctor. On Sunday, March 13, they went to New Echota, which was thirty miles away and arrested Mr. Worcester. March 14, at Hightower they arrested Mr. Thompson. These were all conveyed to headquarters on the next day, March 15th, at Camp Gilmer. On March 17th, through their council, Chester, Underwood and Harris, they were released on *habeas corpus* proceedings, before the Superior Court of Gwinnett County. Judge Clayton overruled the motion that the law was unconstitutional and void. But as the missionaries were employed in expending the United States money, for the education of the Indians, and as Mr. Worcester was postmaster at New

Echota, he held that they were agents of the government. Worcester says in his letters, that at this first time they were arrested, they were treated with as much civility and kindness as could be expected. On May 7th following, Mr. Butler was arrested, but was released because of illness in his family.<sup>1</sup> Gotlieb Byham, who was postmaster at Spring Place, the Moravian mission, was arrested but was soon released. He, together with the other Moravians, escaped to the home of Captain McNair, just across the border in Tennessee. Harry G. Clauder continually visited his members until March 21, when he was arrested but released to withdraw from Georgia within ten days.<sup>1</sup>

When Georgia in 1832 divided the lands of the Cherokee country by lottery, the mission property at Oochgelogy was taken from the church and seized by strangers. In 1833, three families moved in and compelled Clauder, who had succeeded Byham as postmaster, to give up half of the mission house at Spring Place, and then an alleged agent of Georgia drove off the missionaries. After Spring Place was made the county seat, this church was turned into the courthouse.

After the release of the missionaries, Governor Gilmer took up correspondence with President Jackson in regard to the status of the missionaries as agents of the United States. The President replied that he did not on any sense regard any of them as such. Upon request of Governor Gilmer, Worcester was removed from the office of postmaster.

On May 16, Governor Gilmer informed the missionaries of the Board by letter of the attitude of the general government towards them. On June 7, Dr. Butler and Worcester replied, stating fully their attitude as above. Messrs. Butrick Proctor and Thompson removed with their families to Brainerd. Mr. Thompson continued to preach and visit at Hightower.

June 22, Colonel Nelson notified Miss Fuller, who was left in charge of the station at the last named place, that he

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1. Removal of the Cherokees—Lumpkin. Vol. 1, p. 43.

would take over the mission on the next day. When Mr. Thompson heard of this he wrote to him, greatly objecting. He was arrested, chained and made to walk through forests and swamps for fifty miles to Camp Gilmer, where he stayed in jail for only a few minutes. Colonel Sanford censured him for too great freedom of speech, and then without assigning any reason for his arrest, released him.

On July 7, Worcester was again arrested and taken ten miles, where they met Colonel Nelson and detachment with Rev. J. J. Trott, a Methodist missionary who had a Cherokee family, and a Cherokee by the name of Proctor. They were made to march on foot for twenty-two miles. On their way, they met Mr. McLeod and Mr. Wells, two other Methodist ministers, who asked Trott if he had been chained. Upon an affirmative answer, McLeod said, "It seems they proceed more by order, than by law. "This, together with several other impudent remarks, gave offense, and Colonel Nelson ordered him to leave and to return to Tennessee. He replied, "I will, but you will hear from me again." He was then arrested and made to walk on with them. Wells galloped off on his horse in a different direction. Sergeant Brooks compelled McLeod to keep in the middle of the road, threatening to thrust his bayonet through him if he turned aside. Thus he had to walk through mud and mire for thirty-five miles, and nearly every step of the way, Brooks tormented them with the vilest and most profane language. He continually said, "Fear not, little flock, for it is your Father's good pleasure to give you the Kingdom."

At night the prisoners were chained together in pairs. Mr. Wells had met Mr. Thompson with the guards and followed to aid McLeod. When Nelson saw him, he cut a large stick and drove up behind him and gave him a severe blow on the head.

Meanwhile Dr. Butler had been arrested and was on his way to the prison. He had been chained by the neck to the horse, with the danger of falling or stumbling. When it became so dark and Dr. Butler had walked until he could

go no further, the guard put him behind his saddle on his horse. The chain around the neck of Butler and the horse, drew the neck of the horse back and he stumbled and fell upon the two. Neither one could move and they were forced to stay in that position until some one passed and helped them. As a result, two of the guard's ribs were broken. When they reached the prison, Brooks said, "There is where all the enemies of Georgia have to land, there and in Hell." They were all chained by the necks to the walls.

By writ of habeas corpus, Butler and Worcester were released on bond, from the Inferior Court of Gwinett County, to appear before the Superior Court in September. Worcester went to Brainerd, where he stayed until August 17, when he was called to New Echota, on account of the death of his infant daughter, and the illness of his wife. He arrived there on Tuesday, August 16. Wednesday morning he was arrested by a disguised guard at his home, but was released.

On September 15, Butler, Worcester, Thompson, Wells, Proctor, McLeod, Trott, Wheeler, Nellum, and Mayes were all tried in Lawrenceville and sentenced by Judge Clayton to four years of imprisonment in the penitentiary, recommending them to executive clemency, if they would take the oath. They were sent to Milledgeville and on September 22, all were pardoned who promised to leave the state, by Governor Gilmer. Butler and Worcester refused, at the suggestion of the Board, that they be martyrs of their cause, if necessary.

The prison was a rudely made house, with only one opening, and that the door. The floor was made of logs split in half, and there was no furniture.

After they were in Milledgeville, Worcester and several others, wrote Colonel Charles Nelson the following:

"Col. Ch. H. Nelson.

Sir: If it be consistent with the necessary regulations, it would be a high gratification to some of the prisoners, if Mr. Trott and Mr. Worcester, might be permitted to hold

a meeting, tomorrow evening, at some place where such of the guard and of the neighbors as are disposed, might attend. If the favor can be granted, be so kind as to give us an answer as soon as convenient. We wish to be understood that we should all greatly desire the privilege of attending."

(Signed.) S. A. Worcester J. J. Trott  
Elizur Butler Samuel Mayes

The note was returned with the following written on the outside:

"We view the within request as an impertinent one. If your conduct be evidence of your character, and the doctrines you wish to promulgate, we are sufficiently enlightened as to both. Our object is to restrain, not to facilitate their promulgation. If your object be true piety, you can enjoy it where you are. Were we hearers, we would not be benefitted, devoid as we are of confidence in your honesty.

(Signed) C. H. Nelson.<sup>1</sup>"

The Prudential Committee, of the Board send a memorial to President Jackson in behalf of the missionaries. He replied through the Secretary of War, that he could not interfere since the Georgia laws had been extended. At the same time Worcester and Butler had carried their case to the Supreme Court, with an able counsel in the person of William Wirt, former Attorney General, and John Sargeant, who had been counsel in the case of the Cherokee Nation versus the State of Georgia. The Court had sent a citation to the Governor for Georgia to appear before that body on the first Monday in March, 1832, and answer why they were held and why a writ of error should not be granted. But Georgia did not appear. In the decision of the former case, the court had refused the injunction prayed for, which was favorable to Georgia. This time, Chief Justice Marshall rendered the decision in favor of the missionaries. He held that the laws of Georgia were unconstitutional and void, and ordered that all proceedings on the indictments against the missionaries "do

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1. History of the American Board of Foreign Missions.

for ever surcease" and they "be and hereby are, dismissed therefrom."<sup>1</sup>

On March 17, 1832, Mr. Chester, supported by Mr. Underwood and General Harden, moved in the Superior Court of Georgia that the mandate be received and obeyed. The court refused, and to keep the United States Supreme Court from enforcing its decision, would not allow its own decision to be recorded, or any matter relating to it. To support this decision, Chester made an affidavit and Judge Clayton signed it, certifying the facts. Mr. Chester then applied by letter to Governor Lumpkin for the release of the prisoners. He refused to answer in writing, saying "You got 'round Clayton, but you shall not get 'round me."

The Georgia Guards had been stationed in the buildings of the Board at Carmel and Hightower. The produce of the fields was consued and destroyed, together with the fowls and swine belonging to the mission. Mrs. Worcester and Mrs. Butler, who had been residing at their old homes at New Echota and Haweis, were ordered to leave, or they would be ejected by the guard. The property was to be sold or rented for the benefit of the state. They removed to Brainerd.

January 8, 1833, upon the advice of the Prudential Committee, Messrs. Butler and Worcester notified Attorney Wirt not to push their case in the Supreme Court. They also notified the Governor and the Attorney General that they had dropped it. In their letter to Governor Lumpkin, they stated, "We have not been led to the adoption of this measure by any change of views in regard to the principle on which we have acted." Governor Lumpkin thought that this was disrespectful, and "determined that as long as they regarded the 'principle on which they acted' so highly, they might stand by it in the penitentiary."

When they learned of the Governors attitude, they wrote again.<sup>2</sup>

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1. *The Cherokee Nation VS The State of Georgia* 5 Peters P. 1.  
2. *Historical Collections*—White.

TO HIS EXCELLENCY,

Wilson Lumpkin,

Governor of the State of Georgia.

Sir: We are sorry to be informed that some expressions in our communication of yesterday were regarded by Your Excellency as an indignity offered to the state, or its authorities. Nothing could be further from our design. In the course we have now taken, it has been our intention, simply to forbear the prosecution of our case, and to leave the question of the continuance in confinement to the magnanimity of the state.

We are respectfully yours

(Signed) S. A. WORCESTER,  
ELIZUR BULTER.

On January 14th, after serving from September 15, 1831, sixteen months, they were released and immediately left the state. At that time the legislature of Georgia repealed the laws that had been enacted.

After the final treaty with the Cherokees was made in 1835, the government reimbursed the various missionary boards, whose property they had taken and destroyed. They also set aside money to care for the removal of the missionaries.

Elias Boudinot said that the actions of the Georgia Guard in their treatment of the missionaries in such an uncalled for manner, had an adverse effect upon them. The Georgians had objected to their efforts, because it was said that they were instilling into the Indians a love for their country.

### THE REMOVAL OF THE CHEROKEES

Thus it is clear, that the Indians were determined not to leave Georgia. By the Compact of 1802, as has been seen, the United States had guaranteed to Georgia alone the exclusion of the Indian title. In 1828, the United States had received in cessions 1,612,800 acres in Alabama, (1805); 1,209,600 acres in Alabama and Tennessee,



(1806); 26,760 acres in South Carolina, (1816); 1,887,360 acres in Alabama, March 22, 1816; 1,395,200 acres in Alabama, (October 4, 1816); 1,437,260 in North Carolina, (1819); and 738,560 acres in Tennessee, (1819). This makes a total of 8,542,540 acres, which was eight times as much as the Cherokees had in Georgia, and for which the government had paid twelve millions of dollars.

It was no wonder that the Georgians blamed the national government for bad faith. They felt that the United States had encouraged, to an extent, the attitude taken by the Cherokees, by continually receiving their delegates with diplomatic courtesies, and treating with them as a foreign power. In 1830 Governor Troup took issue with President Monroe's message to Congress, that the government "was under no obligation to use other means than peaceable and reasonable ones."<sup>1</sup> He said that the Indians were that they were tenants at will.

At a convention in New Echota on July 26, 1827, a national constitution was adopted by the representatives of the nation. It asserted that the Cherokee Indians constituted one of the sovereign and independent nations of the earth, having complete jurisdiction over its territory, to the exclusion of the authority of any other state.<sup>2</sup>

Thus they had advanced in civilization, to an extent that it rendered it rather hard and impracticable to enforce any of the laws of the United States, in regard to intercourse with them. The United States government prohibited any man from settling on any Indian country, or trading or trafficking with any article, unless under special permit or license from the legal authority of the United States.<sup>3</sup> In total disregard of this, the Cherokees resolved through their Committee and Council "to suffer no man to settle in their limits and track and trade with their people without first obtaining a permit or license to do so, from the Cherokee authorities."<sup>4</sup>

1. Georgia and State Rights. U. B. Phillips.

2. American State Papers—(Indian Affairs) Vol. II. Cherokee Nation of Indians, Royce.

3. Removal of the Cherokees—Lumpkin, Vol. I. P. 43.

4. Cherokee Phoenix, March 20, 1823, Removal of the Cherokees—Lumpkin, Vol. 1, P. 43.

So there were three distinct sovereign legislatures making conflicting laws over one and the same people at the same time. Under such circumstances, something had to be done. The President of the United States notified the Cherokees, through the Indian agent Montgomery, that their new constitution could not be considered in any other light, than as regulations of a purely municipal character, and that their relation to the general government, stood unchanged.<sup>1</sup>

The following year, Governor Forsyth, in his last message to the Georgia Legislature, recommended the extension of the Georgia laws over them, instead of expelling them, but suggested that the President ask them to remove from the State. Accordingly on December 20, 1828, by an act, the Georgia laws were extended over all whites within the territory, and it was also enacted that on and after June 1, 1830, all Indian residents therein, were to be subject to such laws and all of their law would be null and void.<sup>2</sup>

Following this was the great rush for gold in Cherokee Georgia, by thousand of whites from Georgia and other states. These intrusions were unlawful under three separate governments, but none of the three were able to check the prevailing disorder. Georgia attempted it first. October 29, 1850, Governor Gilmer wrote to the President, and told of Georgia's recent legislative enactments, and asked that the United States troops, which had been stationed to quell disorder and to prevent intruders from settling on Cherokee soil, be withdrawn.<sup>3</sup>

General Andrew Jackson, who was in charge, was in sympathy with Georgia, and being opposed to President Adam's policy, immediately complied with Governor Gilmer's request.<sup>4</sup> After other laws were enacted, extending the jurisdiction of Georgia over the Cherokees, the chiefs determined to resort to the Supreme Court, for an injunction, in a final effort to save themselves.

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1. Removal of the Cherokees—Lumpkin, Vol. 1, P. 265.

2. Digest of Georgia Laws—Prince.

3. Georgians, Gilmer.

4. Georgia and State Rights—Phillips.

Before this the convention of judges of Georgia in Milledgeville had declared the constitutionality of the recent Georgia laws. Judge A. S. Clayton took a prominent part in this meeting, because most of his district was in the Cherokee country, and because the case of George (Corn) Tassel was to come up under him in the next Superior Court of Hall County.

On trial, November 22, 1830, Tassel was convicted and sentenced to be hung December 24, 1830. Judge Clayton refused to grant an appeal by writ of error to the Supreme Court, and even refused to certify that Tassel was tried. He was executed in defiance of the writ of error sanctioned by Chief Justice Marshall and served on Governor Gilmer, on December 22, only two days before the execution. The citation called for Georgia to appear before the Supreme Court on the second Monday in January and to answer why Tassel was tried and convicted. Governor Gilmer turned it over to the Georgia Legislature with the following message: "So far as concerned the exercise of the power which belongs to the Executive Department, orders received from the Supreme Court for the purpose of staying or in any manner interfering with the decisions of the courts of the states, in the exercise of their constitutional jurisdiction, will be disregarded and any attempt to enforce such orders will be resisted with whatever force the laws have placed at my command." The Legislature in joint assembly, resolved their regrets as to the interference, and requested all citizens of Georgia, the Governor and other officers, "to disregard any and every mandate and process that has been or shall be served upon him or them, purporting to proceed from the Chief Justice or any associate Justice, or the Supreme Court of the United States, for the purpose of arresting the execution of any of the criminal laws of the state. And be it further resolved, that His Excellency, the Governor, be, and is hereby authorized and required, with all the force and means placed at his commands by the constitutional laws of this state, to re-

sist and to repel any and every invasion from whatever quarter upon the administration of the criminal law."

Soon after this, the case of the Cherokee Nation versus the State of Georgia was docketed in the Supreme Court. The bill of the complainant set forth the fact that they were a "foreign state, not owing allegiance to the United States, nor to any state in this union, nor to any prince, potentate, or state other than their own." They further declared themselves to be the owners of the land, because of the right of first discovery, and that they were an independent, sovereign state, taking into consideration the former treaties with the Cherokees.

The bill was brought, praying an injunction to restrain the State of Georgia from the execution of certain laws of that state, especially to declare null those of 1828-29; these laws they averred, went to annihilate the Cherokees as a political society, to seize for the use of Georgia, those lands which had been guaranteed to them by the United States, in solemn treaties, repeatedly made and still in force.

The case came up for hearing in the January term, 1831. The counsel cited fully all grievances, especially the later ones, as the action of the state of Georgia in defiance of the writ of error, in re George Tassel, the laws of Georgia preventing the assembling together of the Cherokees for any other purpose than to cede land, the authorization by the Georgia Legislature of a survey of the Cherokee lands, for the lottery, the taking possession of the gold mines, and the stationing of armed forces at the mines, and throughout the nation, for the enforcement of the Georgia laws. No counsel appeared in behalf of Georgia.

In rendering the decision, Chief Justice Marshall granted that the Indians were a state, but were not a foreign nation. He said, "they may more correctly perhaps be denominated domestic dependent nations." Quoting further: "If it be true that the Cherokee nation have rights, this is not the Tribunal in which those rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater

are to be apprehended, this is not the tribunal, which can redress the past or prevent the future. The motion for an injunction is denied."<sup>1</sup>

It has already been seen how the Cherokees were given the decision long hoped for in the personal cases of *Worvester vs. Georgia*, and *Butler vs. Georgia*. The laws were declared null and void, and the judgments of the Georgia courts were received. Yet these decisions established the permanent triumph of Georgia's policy, and rendered it only a question of a very few years when the Indians would be driven from their territory within the limits of the state.<sup>2</sup>

Again in 1834 there occurred a controversy between Georgia, the Supreme Court, and the Cherokee Nation. For a third time a citation summoned the State of Georgia through her representative to show cause why the error in a certain case should not be corrected. In this instance it was the case of *James Graves vs. Georgia*, who had been tried and convicted of murder, and who was later executed according to the sentence of the Georgia court. Governor Lumpkin and the legislature again denounced the Federal government.<sup>3</sup> It is interesting to note Governor Gilmer's action in disregarding the decision in the case of *Georgia vs. Cunetoo*, which had been tried by Judge Clayton in Walton County. The defendant was jailed for digging gold on his own land, but Judge Clayton had released him, because, he said, that the Cherokees had the use of the precious minerals found on their own lands.

It is also to be remembered with reproach that the Georgia Legislature tried to impeach Judge John W. Hooper for refusal to enforce the Georgia laws, and for granting so many injunctions to the Cherokees. Meanwhile the lands had been distributed by the land lottery system in 1834, and the people were moving in. President Jackson persisted in his attempts to persuade the Cherokees to leave in a body.

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1. *The Cherokee Nation vs. The State of Georgia.*

2. *Georgia and State Rights*—Phillips.

3. *Removal of the Cherokees*—Lumpkin.

In the same year, 1834, the Cherokees fell into two parties, which division hastened their removal. One of these was headed by John Ross, who was opposed to removal and further treaties, and which party was the stronger, and the other by John Ridge, in favor of emigration. These two factions engendered much ill feeling among the tribe.

On December 29, 1835, at New Echota, the final treaty was concluded between the United States agents, William Carroll and John F. Schermerhorn and the Ridge faction, because the Ross faction opposed it, which provided for the cession of all the Cherokee land east of the Mississippi, to the United States for \$5,000,000. It was also agreed to give to them seven million acres west of the Mississippi to pay the expenses of removal, allowing \$600,000, and to give them two years in which to remove.<sup>1</sup>

Public sentiment throughout the United States became stirred with sympathy for the Indians. Webster said, "There is a strong and growing feeling in the country that great wrong has been done to the Cherokees by the Treaty of New Echota." Henry Clay sympathized because of the injustice and "because the wrong would inflict a great wound on the character of the American Republic." Henry A. Wise of Virginia said that the treaty was null and void, because there was no assent on the part of both parties. President Van Buren preferred a compromise and gave to the Cherokees two more years in which to withdraw. To this Governor Gilmer objected, because he feared it was another attack upon the sovereignty of the state. He declared his determination to take charge of the removal in person if the Federal government should fail.<sup>2</sup>

Elias Boudinot, perhaps the most educated Cherokee, after he was converted to emigration, said that John Ross and his party were "ignorant of their true situation, and are so completely blinded as not to see the destruction that awaits them."

1. *The Cherokee Nations of Indians*—Royce.

2. *Georgians*, Gilmer.

By 1838 only two thousand one hundred and three had removed to their new homes. General Winfield Scott was ordered to assume command of the Federal troops with power to collect an additional force, comprising a regiment of infantry and six companies of dragoons. He was to put the Indians in motion at once, and to call upon the Governors of Georgia, Tennessee, Alabama and North Carolina for militia and volunteers, not exceeding four thousand in number.

During the summer, six thousand were under the direction of the officers of the army. John Ross finally agreed to go, and at his request the Cherokees were to remove themselves, and be allowed sixty-five dollars and eighty-eight cents for the cost of removal.

December 4, 1838, the last party of the Cherokees took up their westward march. Ross said that 13,149 removed under his direction, for which he received \$486,939.50. The one sad thing that stand out above everything else in regard to their removal, is that nearly one fourth of the emigrants died on the way side. According to Captain Stevenson, who received them on arrival, there were only 11,504; Captain Page, the disbursing agent, said that of the sixteen thousand that left for the West, there were only 11,721 to reach their new home.